

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MARY A. REYNOLDS,

Plaintiff,

vs.

**PERSOLVE, L.L.C. and
PALMER LAW OFFICE, L.L.C.,**

Defendants.

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Case No. 4:07CV2007SNL

MEMORANDUM AND ORDER

Plaintiff has filed this lawsuit alleging violation(s) of the Fair Debt Collection Practices Act (FDCPA), 15 U.S.C. §1692 *et. seq.* This matter is before the Court on defendant Palmer Law Office's motion to dismiss (#8), filed January 16, 2008. As of today's date, plaintiff has failed to file a responsive pleading.

Plaintiff's federal lawsuit is predicated upon acts in a prior state action in which defendant Palmer Law Office represented co-defendant Persolve in a Missouri state court collection action against the plaintiff. In the state court collection action, defendant Persolve sought the recovery of an unpaid credit card debt as the "assignee of Household Bank GM Card." Plaintiff Reynolds alleges, in Count II of her complaint, that defendant Palmer Law Office violated the FDCPA by attaching an affidavit, in the state court petition, attesting to the amount of the unpaid credit card debt.

After careful consideration of the plaintiff's complaint, the pending motion to dismiss and memorandum in support, the relevant caselaw, and in light of the plaintiff's failure to respond to the pending motion, the Court will grant the motion for the grounds as stated in the motion and

memorandum in support. Defendant Palmer Law Office enjoys the protection of absolute witness immunity as to the attachment of the affidavit of debt to the state court petition. Furthermore, plaintiff has failed to set forth and/or demonstrate that pleadings, in and of themselves, are subject to FDCPA liability. Finally, plaintiff has failed to set forth any affirmative facts showing that defendant Palmer, as counsel representing Persolve in the state court collection action, “assessed” any interest, late fees, overlimit fees or other charges in violation of 15 U.S.C. §1692f(1).

Accordingly,

IT IS HEREBY ORDERED that defendant Palmer Law Office’s motion to dismiss (#8) be and is **GRANTED**.

Dated this 11th day of February, 2008.



SENIOR UNITED STATES DISTRICT JUDGE